IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8168 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AMRUTBHAI RANCHOODBHAI PATEL

Versus

DIRECTOR

Appearance:

MR GM JOSHI for Petitioner

Ms. B.R. Gajjar, Ld. AGP for Govt. Solicitor for Respondent No. 1, 2

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 19/04/2000

ORAL JUDGEMENT

Heard Mr. G.M. Joshi, learned counsel appearing on behalf of the petitioner, and also Ms. B.R. Gajjar, learned AGP for the respondents.

Learned counsel for the petitioner fairly submitted that the petitioner has challenged the order of his transfer issued by the authority in the year 1990. It is also submitted by learned counsel for the petitioner that, he was once transferred in the year 1989 and again he was transferred in 1990, which has been challenged by the petitioner in the present case. Learned counsel for the petitioner therefore submitted that, since ten years has already passed after institution of the present case, and the petitioner is continuing in the post in accordance with the interim order passed by this Court. The petitioner has no grievance at present and therefore, learned counsel submitted that the matter may be disposed of.

As submitted by learned counsel for the petitioner, I am also of the view that since the petitioner has already served for ten years in his station in pursuance of the interim order, now the petition has become infructuous. Accordingly the petition is disposed of as infructuous. The order of transfer passed in 1990 by the authority transferring the petitioner from Mehsana to Ahmedabad is quashed, in view of the fact that it has become infructuous after ten years. The petition is accordingly disposed of as infructuous. Rule discharged. Interim relief stands vacated. I make no order as to cost.

However, the respondents are at liberty to make fresh transfer order of the petitioner, if required, in the public interest.

Dt: 19-4-2000 (P.K. Sarkar, J)

/vgn